

### **REMARKS**

This Application has been carefully reviewed in light of the Office Action mailed March 29, 2004. At the time of the Office Action, Claims 1-21 were pending in this Application. Claims 1-4, 7-11, 13-16, 19 and 21 were rejected. Claims 5, 6, 12, 17, 18, and 20 were objected to as being dependent upon a rejected base claim. Claims 1, 9 and 15 have been amended to further define various features of Applicants' invention. Applicant respectfully request reconsideration and favorable action in this case.

#### **Objections to Drawings**

The drawings were objected to for failing to comply with 37 CFR 1.84(p)(4). The drawings have been amended to satisfy the Examiner's concerns.

#### **Specification Objections**

The specification was objected to due to informalities. Applicants have amended the specification accordingly to overcome these objections. Additionally, the correction of the reference numerals of FIGURE 3 remedies the informality related to the disk drive element.

#### **Rejections under 35 U.S.C. §112**

Claims 9 and 15-16 were rejected by the Examiner under 35 U.S.C. §112, second paragraph, as being indefinite and failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Applicants has amend Claims 9 and 15 to overcome these rejections.

#### **Rejections under 35 U.S.C. §102**

Claims 1, 2, 7-8, 14, and 19 were rejected by the Examiner under 35 U.S.C. §102(e) as being anticipated by U.S. Patent 6,505,094 issued to Mark A. Pape et al. ("Pape et al."). Applicants respectfully traverse and submit that Pape cannot anticipate Claims 1, 2, 7-8, 14, and 19 because Pape does not teach every element recited in the Claims.

The present disclosure relates to a system, a method, and software for managing the release of assembled products for transport to packaging facilities of a factory. As described,

the factory is generally divided into “pre-packaging facilities” and “packaging” facilities. in One particular aspect described in the disclosure is that the transport of products from the “pre-packaging facilities” to the “packaging facilities” does not occur until substantially all of the products for a customer order have been completed. For instance, Independent Claim 1 recites, among other elements, “product release logic in the order management system that accumulates the individually identified products in the pre-packaging facilities *and releases the individually identified products for transport from the pre-packaging facilities to the packaging facilities only after determining that substantially all of the individually identified products for the customer order have been completed.*” Emphasis Added. Similarly, independent Claim 14 recites, “releasing the multiple products for transport from the pre-packaging facilities to the packaging facilities only after determining that substantially all of the multiple products for the customer order have been completed.” As described within the application (on page 10, lines 15-18) this allows completed products to be accumulated in pre-packaging facilities instead of accumulating the system or products after they have been packaged.

Examiner has cited to Pape as teaching product release logic that accumulates products in the pre-packaging facilities and does not transport the products from the prepackaging facilities to the packaging facilities until substantially all of the products for an order are complete. Applicants respectfully submit that the teachings of Pape are limited to teaching the determination of whether an order is ready for shipment being made only *after* the packages have been sent to the packaging area. Specifically, Pape states:

The process then passes to block 602, which shows manufacturing control system 400 automatically beginning a process of determining whether a customer order is fillable. The determination may be made, for example, in response to a scanner reading a barcode on a tracking label of a product that is entering shipping unit 44 for assembly unit 42 or from another factory. Likewise, the determination may be made in response to operator input or scanner input indicating that additional articles have been received, or in response to other types of manufacturing events. The determination may also or alternatively be made a predetermined time intervals.

Col. 6, lines 29-40. Clearly, the emphasis of Pape is to initiate the determination of whether an order is complete and ready for shipment when products have been received in the

packaging area. Accordingly, Pape cannot anticipate a system that evaluates whether an order is complete before allowing the products in that order to leave the pre-packaging facilities.

In light of the above, Applicants respectfully submit that Claims 1 and 14 is not anticipated by Pape. Because Claims 2, 7-8, 19 depend from Claims 1 and 14, respectively, these claims are also not anticipated by Pape. Accordingly, Applicants respectfully request the Examiner to withdraw the rejection under 35 U.S.C. §102(e) against Claims, 1, 2, 7-8, 14, and 19.

**Rejections under 35 U.S.C. §103**

Claims 3, 9-11, 13, 15, 16 and 21 were rejected under 35 U.S.C. §103(a) as being unpatentable over Pape et al. in view of U.S. Patent 5,434,792 issued to Nobuo Saka et al. ("Saka et al.").

Applicants respectfully traverse and submit that Claims 3, 9-11, 13, 15, and 16 are depend from Claims that have been placed in condition for allowance. Accordingly, Applicants respectfully request Examiner withdraw the rejection under 35 U.S.C §103(a) against Claims 3, 9-11, 13, 15, and 16.

Applicants also submit that Claim 21 is not rendered obvious by Pape in view of Saka because neither Pape nor Saka teaches all of the limitation of Claim 21. For example, Claim 21 recites a program product for "automatically releasing the set of products for transport from the testing facilities to the packaging facilities only after determining that substantially all of the products for the customer order have been completed, such that the program product causes one or more of the products in the set to accumulate in the testing facility after the one or more products in the set have tested good." For the reasons detailed above, Pape does not teach releasing products from the pre-packaging area only after substantially all products for a customer order have been completed. The aspect is also not taught, disclosed, or suggested by Saka.

Accordingly, Applicants respectfully request Examiner withdraw the rejection under 35 U.S.C §103(a) against Claim 21.

**Allowable Subject Matter**

Applicants appreciate Examiner's consideration and indication that Claims 5, 6, 12, 17, 18, and 20 would be allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claims.

**CONCLUSION**

Applicant have now made an earnest effort to place this case in condition for allowance in light of the amendments and remarks set forth above. Applicants respectfully request reconsideration of Claims 1-21 as amended.

Applicants believe there are no additional fees due at this time, however, the Commissioner is hereby authorized to charge any fees to Deposit Account No. 02-0383 of Baker Botts L.L.P. in order to effectuate this filing.

If there are any matters concerning this Application that may be cleared up in a telephone conversation, please contact Applicants' attorney at 512.322.2548.

Respectfully submitted,

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**SEND CORRESPONDENCE TO:**

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512.322.2548

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Date: June 29, 2004

JUN 29 2004  
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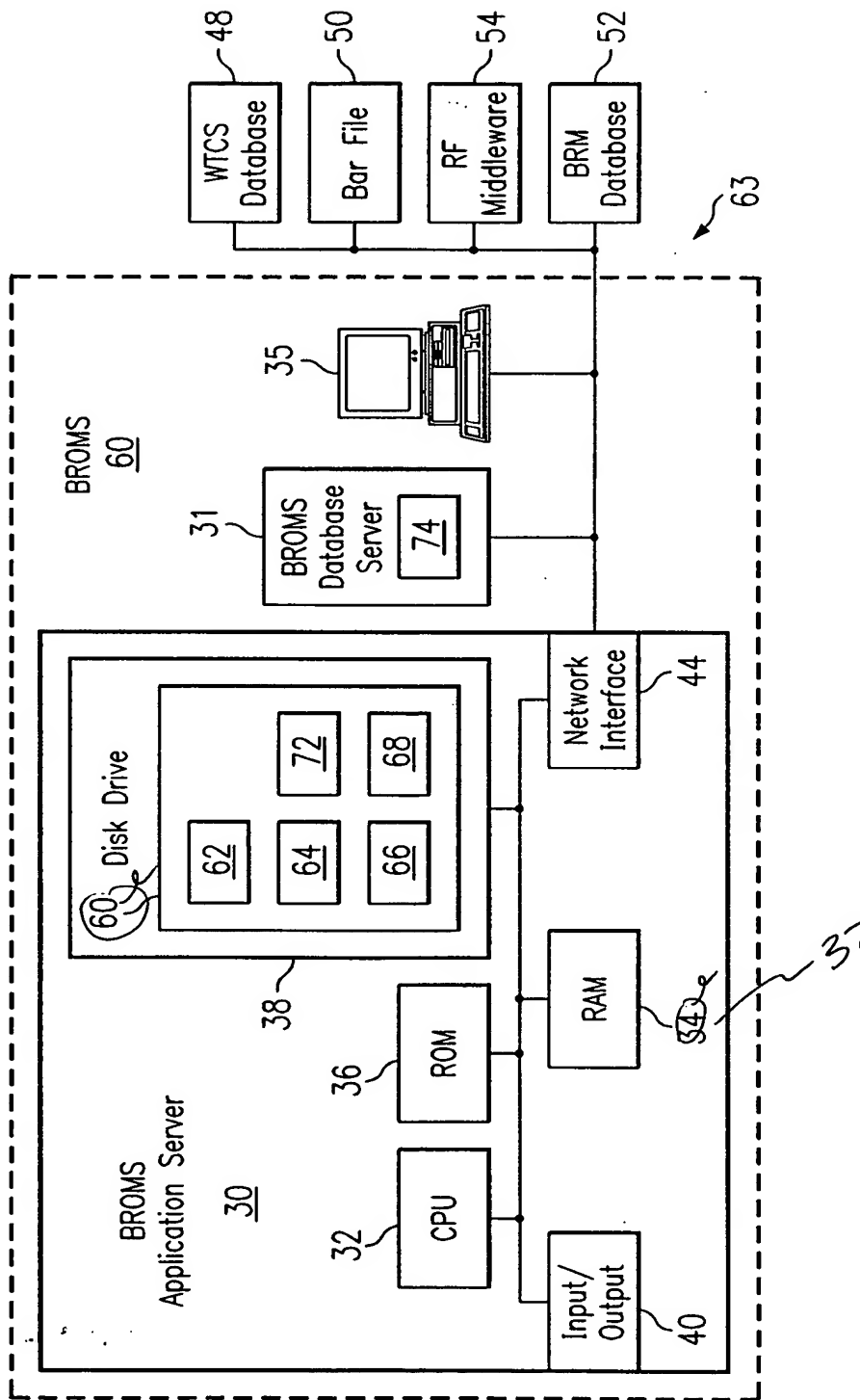


FIG. 3

Unit Identifier	Unit Location
8WVL501	SV24B081
4X7L501	SV26A122
CFJK501	SV26A103
D8ML501	SV26A034
02-Nov-2002	08:28:07
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FIG. 5